

Appl. No. : 10/806,597
Filed : March 23, 2004

REMARKS

In the February 7, 2007 Office Action, the Examiner rejects Claims 1-12 and 17-20 under 35 U.S.C. § 101 as directed to non-statutory subject matter; rejects Claims 1-7, 9 and 11-19 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,469,745 to Yamada, et al (“Yamada”); and rejects Claims 8, 10, and 20 under 35 U.S.C. § 103(a) as obvious over Yamada. Applicant requests reconsideration of the rejections in view of the foregoing amendments and the following comments.

Rejections Under 35 U.S.C. § 101 (Non-Statutory Subject Matter)

The Examiner rejects Claims 1-12 and 17-20 as directed to non-statutory subject matter. In response, Applicant has amended independent Claims 1 and 17 herewith. Applicant respectfully submits that Claims 1 and 17, as amended, are directed to statutory subject matter, and request the Examiner to withdraw the rejections to Claims 1-12 and 17-20 over 35 U.S.C. § 101.

Rejections Under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a)

Applicant has amended Claims 1, 13, and 17 to clarify distinctions over the cited art. These amendments are supported by, for example, paragraphs [0106] to [0110].

Applicant believes that Claims 1, 13, and 17, as amended are not taught or suggested by the prior art. Claims 2-7, 9-12, 14-16, and 18-20 depend from and further define Claim 1, 13, or 17, as applicable. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” see MPEP § 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, Applicant requests withdrawal of the rejections 1-7, 9 and 11-19 under 35 U.S.C. § 102(b).

Further, Applicant notes that “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art,” *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), see also M.P.E.P. § 2143.03. Accordingly, Applicant requests withdrawal of the rejections of Claims 8, 10, and 20 under 35 U.S.C. § 103(a).

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New Claims 21-24

Applicant has added new dependent claims 21-24 herein to further define the invention as claimed. These claims are supported by, for example, paragraphs [0106] to [0110]. Claims 21-24 depend from and further define Claim 1. Applicant respectfully submits that Claims 21-24 are patentable for at least the reasons discussed for Claim 1, and requests allowance of the same.

SUMMARY

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner to withdraw the rejections of Claims 1 and 17 under 35 U.S.C. § 101, and the rejections of Claims 1-20 under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a). Applicant further requests the Examiner to allow Claims 1-24 and to pass the present application to the issue process.

If there is any further impediment to the prompt allowance of the present application, Applicant requests the Examiner to call the undersigned attorney of record at 310-407-3466 or at the telephone number listed below to resolve any such impediment.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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